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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Sweden

1. The Committee considered the initial report of Sweden (CRC/C/3/Add.1) at its 56th, 57th and 58th meetings (CRC/C/SR.56 to 58), held on 18 and 19 January 1993, and adopted* the following concluding observations:

A. Introduction

2. The Committee notes with satisfaction that Sweden has undertaken the necessary steps for the swift ratification of the Convention and was the first State to fulfil its reporting obligations. Its report is very comprehensive and follows closely the Committee's guidelines, although more information is needed on the situation of vulnerable groups, particularly minority children, including indigenous children, and neglected children in the major city areas.

3. The Committee expresses its appreciation for the additional information provided by the delegation which was sent to present the report of Sweden to the Committee. In this regard, the presence of a high-level delegation enabled a constructive dialogue to take place between the Committee and officials from those ministries directly responsible for the implementation of the Convention.

B. Positive aspects

4. The Committee welcomes the Government's awareness of the need to take an active approach to implementing the Convention, disseminating information on it and seeking ways to further improve the status of children in Sweden. In

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* At the 73rd meeting, held on 28 January 1993.

this regard, the Committee notes with satisfaction that laws have been enacted and administrative measures proposed to harmonize the legal framework for the protection of children's rights with the requirements of the Convention. The relevant legislation generally reflects the provisions of the Convention as well as the general principles which serve to guide its implementation. Particularly noteworthy is the Government's spirit of dialogue with the non-governmental organizations, especially in regard to publicizing the Convention and promoting awareness among the general public.

5. The Committee expresses its appreciation for the significant contribution of the Swedish Government and the Swedish non-governmental organizations to improving the situation of children worldwide. The prominence given by the State party to furthering the rights of the child through international cooperation and assistance directly benefiting children follows the spirit of article 4 of the Convention and can serve as a useful guide for other States parties.

6. The Committee notes that the competent Swedish authorities are considering the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

C. Principal subjects of concern

7. The Committee notes the fact that the law does not provide for protection against all the various forms of discrimination enumerated in article 2 of the Convention. As a result, it is unclear whether the law prohibits discrimination on the basis of the child's or his or her parents' or legal guardian's language, religion, political or other opinion, social origin, property, disability, birth or other status.

8. The Committee expresses its concern over the lack of clarity and apparent discrepancies contained in the law with regard to the definition of the child. The Committee notes that, although persons under 18 in Sweden do not enjoy full legal capacity, they may yet be subjected to military service and that a person aged 15 or over can be accepted in the Home Guard Defence. The Committee also expresses its concern that the age of sexual maturity has not been fixed, which threatens the protection of children from possible exploitation in the use of pornographic materials.

9. The Committee is concerned that the Government does not ensure that children in detention are separated from adults. The Committee is also concerned by the practice of taking foreign children into custody under the Aliens Act and notes that this practice is discriminatory in so far as Swedish children generally cannot be placed in custody until after the age of 18. Likewise, there seems to be a lack of information on children who are victims of sexual exploitation, including incest.

D. Suggestions and recommendations

10. With regard to general measures of implementation, the Committee recommends that careful attention be given to setting up the monitoring mechanism and indicators for measuring the progress made in the implementation of the legislative and other measures to protect the rights of the child. The

Committee underlines that the implementation of the Convention should be carried out in close co-operation with local authorities in order to ensure an approach which is effective and consistent with the provisions and general principles of the Convention. In this connection, the Government should ensure that spending cuts carried out by municipalities are effected with due regard for the best interests of children, particularly those from the most vulnerable groups. To enhance the effective implementation of the Convention, the Committee suggests that the State party consider closer coordination with non-governmental organizations at the policy-making level; incorporating the provisions of the Convention directly into domestic law; and further strengthening international cooperation and assistance, particularly for the benefit of vulnerable groups such as disabled children and children needing special protection.

11. With respect to the definition of the child, the Committee recommends that the State party consider an approach which is more coherent and more closely reflects the general principles and the provisions of the Convention. In recognition of the spirit of article 38 of the Convention, steps might be taken to close the gap in the law which at present allows for the possibility of conscripting children under the age of 18 into the armed forces. The Committee suggests that the Government should reassess the effectiveness of present regulations regarding the exploitation of children in pornographic materials. Further, the Government should not overlook the problem of sexual abuse within the family. The Government may also wish to reassess the advisability of permitting a child of seven years or older to accept legal or medical counseling without parental consent.

12. In regard to children in conflict with the law, the Committee suggests that further consideration should be given to ensuring that children in detention are separated from adults, taking into account the best interests of the child and alternatives to institutional care. In this connection, the State party may wish to study the situation in those countries where arrangements for liaison between juveniles and the police force have been established. The Committee also suggests that consideration be given to providing alternatives to the incarceration of children under the Aliens Act and that a public defence counsel be appointed for children in conflict with the law.

13. The Committee also recommends that steps should be taken to monitor more closely the situation of foreign children placed in adoptive families in Sweden. The Committee emphasizes the importance of monitoring the situation of foreign children and other vulnerable groups, and to this end, the Committee requests that the next report of the State party include fuller statistical and other indicators for these groups, including the incidence of HIV infection and AIDS. Recognizing that the ratification of other international human rights instruments has a favourable influence on the promotion of the rights of the child, the State party might consider ratifying the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.